

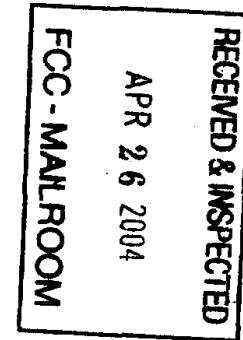
CYC 203



Federal Communications Commission
Washington, D.C. 20554

April 22, 2004

James L. Travis, Chief Engineer
Family Life Ministries, Inc.
P.O. Box 506
Bath, New York 14810



Dear Mr. Travis:

This letter is in response to the Petition for Rule Making you filed requesting the reservation of vacant Channel 296A at Livingston Manor, New York for noncommercial educational ("NCE") use.

The Commission has revised the standards for reserving an FM channel for NCE use.¹ Under these revised standards, a reservation proponent must demonstrate that it is technically precluded from using a reserved channel and would provide a first and/or second NCE radio service to at least 10 percent of the population within the 1mV/m (60dBu) contour of its proposed station. This revised reservation policy was later extended to existing vacant FM allotments for which an allocation proceeding was initiated prior to the effective date of these standards.² To implement the revised reservation policy, the Media Bureau opened a filing window to permit interested parties to file a petition for rulemaking in compliance with the revised reservation policy and with the submission of a complete technical preclusion showing.³

The *Public Notice* stated that each petition for rulemaking must contain an expression of interest that the petitioner will apply for the requested channel, if successfully reserved for non-commercial use. In this regard, your petition is unacceptable for consideration because it failed to contain an expression of interest that you would apply for Channel 296A at Livingston Manor, New York, if reserved for non-commercial use.

In addition, Section 1.52 of the Commission's Rules requires that the original of any document filed with the Commission by a party not represented by counsel, be signed and verified by the party and his/her address stated. Although your request was signed and an address provided, you did not include an affidavit verifying that the statements contained in your request are accurate to the best of your knowledge and belief. In the absence of such verification, the petition may be dismissed. Section 1.401(b) of the Commission's Rules concerning rule making proceedings places petitioner on notice that their proposal must conform to the requirements of Section 1.52 regarding subscription and verification. *See also Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes*, 5 FCC Rcd 3911, n.41 (1990).

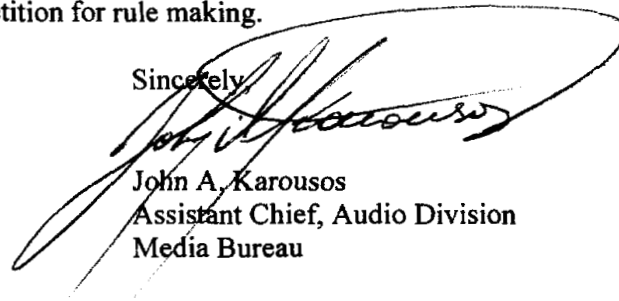
¹ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 15 FCC Rcd 7386 (2000), *recon granted in part* 16 FCC Rcd 5074 (2001).

² See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 18 FCC Rcd 6691 (2003).

³ See *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, 18 FCC Rcd 19600 (MB 2003) ("Public Notice").

In view of the above, we are returning your petition for rule making.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John A. Karousos". The signature is written over the typed name and title.

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

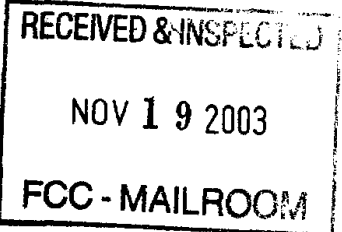
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

November 18, 2003

RE: Petition for Rulemaking
Allocation 296A, Livingston Manor, NY

Family Life Ministries, Inc.
PO Box 506
Bath, NY 14810

DUPLICATE



Petition for Rule Making

Family Life Ministries, Inc. is hereby petitioning the Federal Communications Committee to reserve Channel 296A, 107.1Mhz, Livingston Manor, NY, for noncommercial use. According to MM Docket No. 95-31, second report and order, Paragraph 1, opportunity has been given to make this request providing that the applicant can "demonstrate that they are technically precluded from using an already-reserved channel, and that they will provide needed NCE service in a given area".

According to paragraph 33 of MM Docket No. 95-31, second report and order, NCE service is not technically precluded if it is possible to specify a location at which same-class reserved band NCE facilities could be licensed to the proposed community in compliance with the NCE technical rules. A reservation proponent must satisfy two criteria: first, that class maximum facilities at the reference site would provide first or second NCE service to ten percent or more of the population in a station's service area; and second, that a same-class reserved band facility that would provide the requisite level of a new NCE service is – to a reasonable degree of certitude – technically precluded.

According to paragraph 35 of MM Docket No. 95-31, second report and order, a reservation request must include a technical preclusion showing. The showing will be based on a circle, centered in the proposed community of license and drawn with a radius one kilometer less than the distance to the predicted 60dbu strength signal of a maximum same-class facility. The reservation showing must establish that no rule-compliant facility can be authorized at maximum antenna height above average terrain (HAAT) and with maximum effective radiated power (ERP) on any reserved band channel at four equally-spaced locations on the circle, beginning with 0 degrees. In addition, the reservation showing must establish that no same-class rule-compliant facility can be authorized at minimum antenna HAAT and with minimum ERP on any reserved band channel at the city center coordinates for the community of license. If these two criteria are satisfied, the reservation proponent has presumptively established that the allotment should be reserved.

For reference purposes, 6kw at 100 meters HAAT was used at the 4 equally spaced points on the circle as well as at the reference coordinates. At the center of the city of license, 100 watts at 30 meters HAAT was used per CFR 73.211 which states that the minimum acceptable power for a class A facility is 100 watts and the minimum acceptable HAAT is 30 meters.

The attached exhibits show that there are no reserved channels available for use in Livingston Manor, NY. A frequency search and interference study has been performed to evaluate the existing reserved channels, 201 through 220. The results shown in Exhibit 1 give reason why there is no opportunity to apply for an existing reserved channel. In keeping with the criteria established in paragraph 35, Exhibit 2 shows a circle centered in the city of license, Livingston Manor, NY, with a radius of 27km (1km less than the maximum Class A facilities). Four equally spaced locations are marked on the circle beginning with 0 degrees. The coordinates for the 0 degree location are 42-08-56 North Latitude and 74-49-53 West Longitude. The coordinates for the 90 degree location are 41-54-11 North Latitude and 74-30-24 West Longitude. The coordinates for the 180 degree location are 41-39-51 North Latitude and 74-49-40 West Longitude. Coordinates for the 270 degree radial are 41-54-06 North Latitude and 75-09-29 West Longitude. The center of city coordinates used for Livingston Manor are 41-54-17 North Latitude and 74-49-27 West Longitude. Separate interference studies were performed at each of these 5 locations to determine if any already-reserved channel was available for use under the current NCE technical rules.

In keeping with Paragraph 33 of MM Docket No. 95-31, this petition must show that the allocation will provide a first or second noncommercial service to at least 10 percent of the population within the 1mv protected contour. Exhibit 3 shows the 1mv contour of allocation 296A in Livingston Manor, NY, along with any existing noncommercial facilities service contours. As the exhibit shows, this allocation is partially served by existing noncommercial stations WJFF and WGWR. The new first and second NCE service area is also shown in this exhibit. A population study utilizing V-Soft ID Census software, has determined that 35,022 people would receive a first or second noncommercial service from the maximum allocation facility. The population within the entire 1mv service area has been determined to be 53,282. The 1mv contour of WGWR has been determined to reach 18,260. Subtracting the 1mv population of WGWR from the 1mv allocation population has determined the 1st and 2nd service population. Using these population figures, at least 10 percent of the population in the 1mv contour would receive first or second noncommercial service.

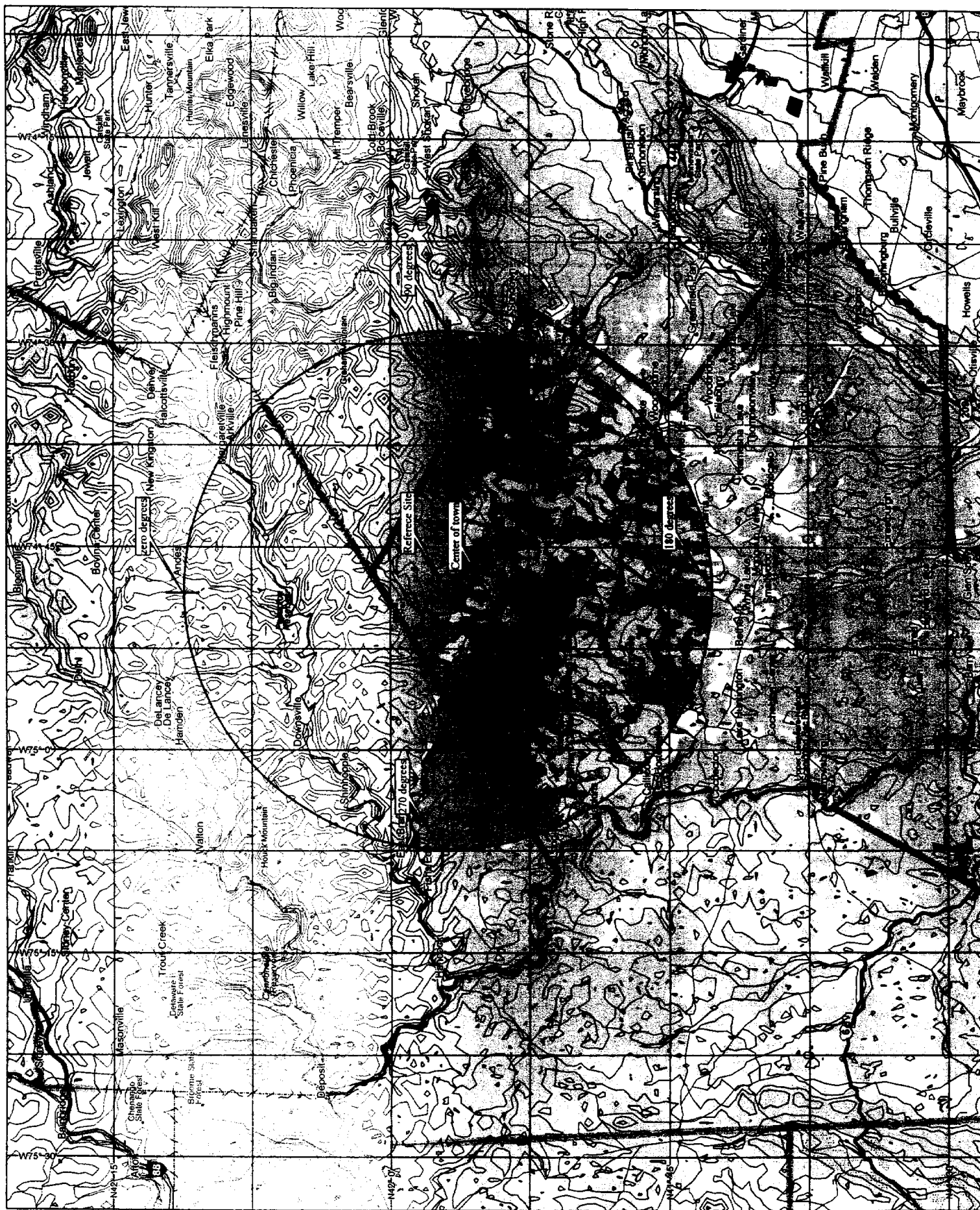
Due to the above mentioned reasons, Family Life Ministries, Inc. respectfully requests Channel 296A, Livingston Manor, NY, be reserved as a noncommercial allocation.

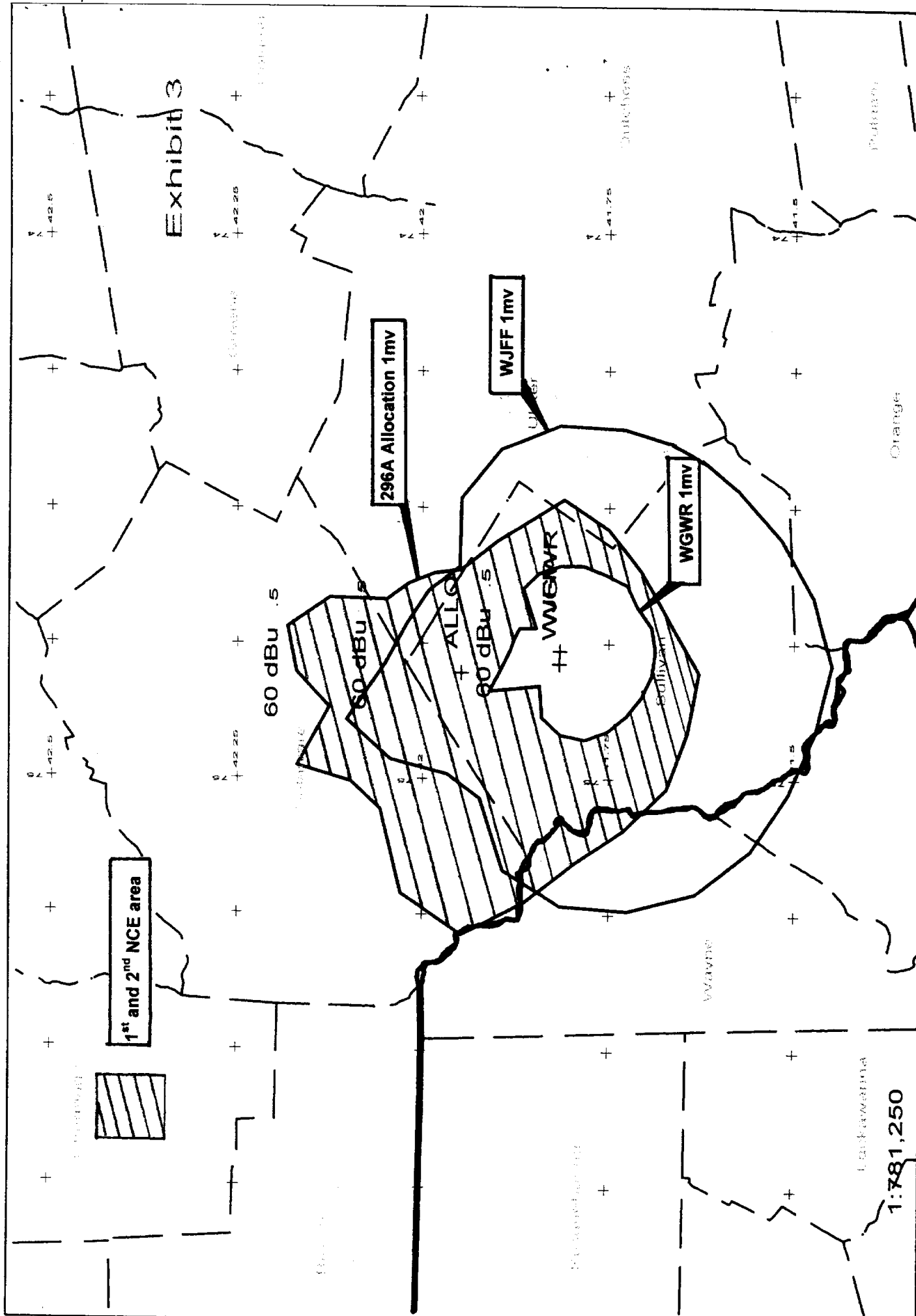
Signature: James L Travis 11-18-03

James L Travis
Chief Engineer – Family Life Network

**Exhibit 1 – Livingston Manor, NY, Interference Results
Family Life Ministries, Inc.**

<u>Frequency</u>	<u>Interfering Overlap With</u>
88.1	WGWR
88.3	WGWR
88.5	WGWR
88.7	WGWR
88.9	WRPJ
89.1	WBYH
89.3	WSKG
89.5	WFGB
89.7	WFGB
89.9	WJFF
90.1	WJFF
90.3	WJFF
90.5	WJFF
90.7	WJFF
90.9	WJFF
91.1	WJFF
91.3	WVKR
91.5	WSQX
91.7	WOSR
91.9	WDLA





Livingston Manor Family Life Network -	ALLO 296A 6kW 702M AMSL N. Lat. 41 56 52 W. Lng. 74 48 13	<div data-bbox="1494 1554 1542 2079"> </div>
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